

## Merchant & Gould

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Per our conversation of today, I am re-faxing the following response to an office action of November 18, 2002.

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FILE NUMBER : 768  
 DATE : FEB-18 06:04PM  
 TO : 917038729302  
 DOCUMENT PAGES : 010  
 START TIME : FEB-18 06:04PM  
 END TIME : FEB-18 06:07PM  
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A Professional Corporation

Fax Transmission | February 18, 2003

TO: Commissioner for Patents  
 Attn: Examiner R. Chafeorian  
 Patent Examining Corps  
 Facsimile Center  
 Washington, D.C. 20231

FROM: Anna M. Nelson

OUR REF: 11998.20US01  
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Total pages, including cover letter: 10

PTO FAX NUMBER 1-703-872-9302

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Title of Document Transmitted:  
 Applicant: Walsh et al.  
 Serial No.: 09/591,754  
 Filed: June 12, 2000  
 Group Art Unit: 3763  
 Our Ref. No.: 11998.20US01

Amendment and Response

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Anna M. Nelson  
 Name: Anna M. Nelson  
 Reg. No.: 38,935

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

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S/N 09/591,754

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Walsh et al.	Examiner:	R. Ghafoorian
Serial No.:	09/591,754	Group Art Unit:	3763
Filed:	June 12, 2000	Docket No.:	11998.20US01
Title:	CARDIAC DISEASE TREATMENT AND DEVICE		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703.872.9302 on February 18, 2003.

By: *Anna M. Nelson*

Name: Anna Nelson

AMENDMENT AND RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to an Office Action November 18, 2002 please amend this application as indicated herein.

In the Claims

✓ Please cancel claim 2 without prejudice. ✓ Please amend claims 1, 12, 19, and 21 as follows.

1. (Amended) A device for treating cardiac disease of a heart having an upper portion and a lower portion divided by an A-V groove, the device comprising:

a. a jacket of flexible, elastic material defining a volume between an upper end and a lower end, the jacket adapted to be secured to the heart and adapted to be adjusted on the heart to snugly conform to an external geometry of the heart and assume a maximum adjusted volume for the jacket to constrain circumferential expansion of the heart beyond the maximum adjusted volume during diastole and permit substantially unimpeded contraction of the heart during systole; and

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